

AMENDED IN ASSEMBLY JUNE 26, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MAY 6, 2014

AMENDED IN SENATE APRIL 21, 2014

AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 1028

Introduced by Senator Jackson

(Coauthor: Assembly Member Williams)

February 14, 2014

An act to amend Section 69439 of the Education Code, *and to amend Section 1095 of the Unemployment Insurance Code*, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 1028, as amended, Jackson. Student financial aid: Cal Grant C awards.

Existing law, the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act, establishes the Cal Grant C program under the administration of the Student Aid Commission and establishes eligibility requirements for awards under this program. The act requires that a Cal Grant C award be used only for occupational or technical training, as defined, in a course of not less than 4 months. The act requires the commission, after consultation with state and federal agencies, to determine the areas of occupational or technical training for which Cal Grant C awards shall be awarded. Existing law also requires the Student Aid Commission to develop, and regularly review and update at least every 5 years, the areas of occupational or technical training for which students may utilize

Cal Grant C awards and to give priority in granting the awards to students pursuing occupational or technical training in areas that meet specified criteria. The act requires the commission to give priority in granting the awards to students pursuing occupational or technical training in areas that meet specified criteria.

This bill would revise and recast the act in regard to Cal Grant C awards to, among other things, require the commission to give special consideration to the social and economic situations of the students applying for the grants, giving additional weight to applicants facing specified challenges. In determining the individual award amounts, the bill would additionally require the commission to take into account the financial means available to the student to fund his or her course of study and costs of attendance. The bill would revise the criteria that areas of occupational or technical training are required to meet to be given priority for awards, as specified. The bill would require the commission, in consultation with specified entities, for purposes of the Cal Grant C program, to prioritize occupational training programs and industry clusters. The bill would require the commission to consult with specified public entities to develop a plan to publicize the grant award program to California's long-term unemployed to be used by those specified public entities when they come into contact with members of the population who are likely to be experiencing long-term unemployment and would require the commission to develop a plan to make students receiving awards aware of job search and placement services available through specified public entities. The bill would specify that the local workforce investment boards are required to participate in the outreach efforts only to the extent that those efforts are a part of their existing responsibilities under federal law.

Existing law authorizes the Director of Employment Development to use information in his or her possession to the extent necessary to achieve specified purposes.

This bill would authorize the director, to the extent permitted by federal law and regulations, to provide the commission with wage information to verify the employment status of an individual applying for a Cal Grant C award.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 69439 of the Education Code is amended
2 to read:

3 69439. (a) For the purposes of this section, the following terms
4 have the following meanings:

5 (1) “Career pathway” has the same meaning as set forth in
6 Section 88620.

7 (2) “Economic security” has the same meaning as set forth in
8 Section 14005 of the Unemployment Insurance Code.

9 (3) “Industry cluster” has the same meaning as set forth in
10 Section 88620.

11 (4) “Long-term unemployed” means, with respect to an award
12 applicant, a person who has been unemployed for more than 26
13 weeks at the time of submission to the commission of his or her
14 application.

15 (5) “Occupational or technical training” means that phase of
16 education coming after the completion of a secondary school
17 program and leading toward recognized occupational goals
18 approved by the commission.

19 (b) A Cal Grant C award shall be utilized only for occupational
20 or technical training in a course of not less than four months. There
21 shall be the same number of Cal Grant C awards each year as were
22 made in the 2000–01 fiscal year. The maximum award amount
23 and the total amount of funding shall be determined each year in
24 the annual Budget Act.

25 (c) The commission may use criteria it deems appropriate in
26 selecting students to receive grants for occupational or technical
27 training and shall give special consideration to the social and
28 economic situations of the students applying for these grants, giving
29 additional weight to disadvantaged applicants, applicants who face
30 economic hardship, and applicants who face particular barriers to
31 employment. Criteria to be considered for these purposes shall
32 include, but are not limited to, all of the following:

33 (1) Family income and household size.

34 (2) Student’s or the students’ parent’s household status,
35 including whether the student is a single parent or child of a single
36 parent.

1 (3) The employment status of the applicant and whether the
2 applicant is unemployed, giving greater weight to the long-term
3 unemployed.

4 (d) The Cal Grant C award recipients shall be eligible for
5 renewal of their grants until they have completed their occupational
6 or technical training in conformance with terms prescribed by the
7 commission. A determination by the commission for a subsequent
8 award year that the program under which a Cal Grant C award was
9 initially awarded is no longer deemed to receive priority shall not
10 affect an award recipient's renewal. In no case shall the grants
11 exceed two calendar years.

12 (e) Cal Grant C awards may be used for institutional fees,
13 charges, and other costs, including tuition, plus training-related
14 costs, such as special clothing, local transportation, required tools,
15 equipment, supplies, books, and living expenses. In determining
16 the individual award amounts, the commission shall take into
17 account the financial means available to the student to fund his or
18 her course of study and costs of attendance as well as other state
19 and federal programs available to the applicant.

20 (f) (1) To ensure alignment with the state's dynamic economic
21 needs, the commission, in consultation with appropriate state and
22 federal agencies, including the Economic and Workforce
23 Development Division of the Office of the Chancellor of the
24 California Community Colleges and the California Workforce
25 Investment Board, shall identify areas of occupational and technical
26 training for which students may utilize Cal Grant C awards. The
27 commission, to the extent feasible, shall also consult with
28 representatives of the state's leading competitive and emerging
29 industry clusters, workforce professionals, and career technical
30 educators, to determine which occupational training programs and
31 industry clusters should be prioritized.

32 (2) (A) Except as provided in subparagraph (B), the areas of
33 occupational and technical training developed pursuant to
34 paragraph (1) shall be regularly reviewed and updated at least
35 every five years, beginning in 2012.

36 (B) By January 1, 2016, the commission shall update the priority
37 areas of occupational and technical training.

38 (3) (A) The commission shall give priority in granting Cal
39 Grant C awards to students pursuing occupational or technical

1 training in areas that meet two of the following criteria pertaining
2 to job quality:

3 (i) High employer need or demand for the specific skills offered
4 in the program.

5 (ii) High employment growth in the occupational field or
6 industry cluster for which the student is being trained.

7 (iii) High employment salary and wage projections for workers
8 employed in the occupations for which they are being trained.

9 (iv) The occupation or training program is part of a
10 well-articulated career pathway to a job providing economic
11 security.

12 (B) To receive priority pursuant to subparagraph (A), at least
13 one of the criteria met shall be specified in clause (iii) or (iv) of
14 that subparagraph.

15 (g) The commission shall determine areas of occupational or
16 technical training that meet the criteria described in paragraph (3)
17 of subdivision (f) in consultation with the Employment
18 Development Department, the Economic and Workforce
19 Development Division of the Office of the Chancellor of the
20 California Community Colleges, and the California Workforce
21 Investment Board using projections available through the Labor
22 Market Information Data Library. The commission may supplement
23 the analyses of the Employment Development Department's Labor
24 Market Information Data Library with the labor market analyses
25 developed by the Economic and Workforce Development Division
26 of the Office of the Chancellor of the California Community
27 Colleges and the California Workforce Investment Board, as well
28 as the projections of occupational shortages and skills gap
29 developed by industry leaders. The commission shall publish, and
30 retain, on its Internet Web site a current list of the areas of
31 occupational or technical training that meet the criteria described
32 in paragraph (3) of subdivision (f), and update this list as necessary.

33 (h) ~~The~~ *Using the best available data, the* commission shall
34 examine the graduation rates and job placement ~~data data, or salary~~
35 *data*, of eligible programs. Commencing with the 2014–15
36 academic year, the commission shall give priority to Cal Grant C
37 award applicants seeking to enroll in programs that rate high in
38 graduation rates and job placement *data, or salary* data.

39 (i) (1) The commission shall consult with the Employment
40 Development Department, the Office of the Chancellor of the

1 California Community Colleges, the California Workforce
2 Investment Board, and the local workforce investment boards to
3 develop a plan to publicize the existence of the grant award
4 program to California's long-term unemployed to be used by those
5 consulting agencies when they come in contact with members of
6 the population who are likely to be experiencing long-term
7 unemployment. The outreach plan shall use existing administrative
8 and service delivery processes making use of existing points of
9 contact with the long-term unemployed. The local workforce
10 investment boards are required to participate only to the extent
11 that the outreach efforts are a part of their existing responsibilities
12 under the federal Workforce Investment Act of 1998 (Public Law
13 105-220).

14 (2) The commission shall consult with the Workforce Services
15 Branch of the Employment Development Department, the Office
16 of the Chancellor of the California Community Colleges, the
17 California Workforce Investment Board, and the local workforce
18 investment boards to develop a plan to make students receiving
19 awards aware of job search and placement services available
20 through the Employment Development Department and the local
21 workforce investment boards. Outreach shall use existing
22 administrative and service delivery processes making use of
23 existing points of contact with the students. The local workforce
24 investment boards are required to participate only to the extent
25 that the outreach efforts are a part of their existing responsibilities
26 under the federal Workforce Investment Act of 1998 (Public Law
27 105-220).

28 (j) (1) Notwithstanding Section 10231.5 of the Government
29 Code, the Legislative Analyst's Office shall submit a report to the
30 Legislature on the outcomes of the Cal Grant C program on or
31 before April 1, 2015, and on or before April 1 of each
32 odd-numbered year thereafter. This report shall include, but not
33 necessarily be limited to, information on all of the following:

34 (A) The age, gender, and segment of attendance for recipients
35 in two prior award years.

36 (B) The occupational and technical training program categories
37 prioritized.

38 (C) The number and percentage of students who received
39 selection priority as defined in paragraph (3) of subdivision (f).

1 (D) The extent to which recipients in these award years were
2 successfully placed in jobs that meet local, regional, or state
3 workforce needs.

4 (2) For the report due on or before April 1, 2015, the Legislative
5 Analyst's Office shall include data for two additional prior award
6 years and shall compare the mix of occupational and technical
7 training programs and institutions in which Cal Grant C award
8 recipients enrolled before and after implementation of subdivision
9 (f).

10 (3) A report to be submitted pursuant to this subdivision shall
11 be submitted in compliance with Section 9795 of the Government
12 Code.

13 *SEC. 2. Section 1095 of the Unemployment Insurance Code is*
14 *amended to read:*

15 1095. The director shall permit the use of any information in
16 his or her possession to the extent necessary for any of the
17 following purposes and may require reimbursement for all direct
18 costs incurred in providing any and all information specified in
19 this section, except information specified in subdivisions (a) to
20 (e), inclusive:

21 (a) To enable the director or his or her representative to carry
22 out his or her responsibilities under this code.

23 (b) To properly present a claim for benefits.

24 (c) To acquaint a worker or his or her authorized agent with his
25 or her existing or prospective right to benefits.

26 (d) To furnish an employer or his or her authorized agent with
27 information to enable him or her to fully discharge his or her
28 obligations or safeguard his or her rights under this division or
29 Division 3 (commencing with Section 9000).

30 (e) To enable an employer to receive a reduction in contribution
31 rate.

32 (f) To enable federal, state, or local government departments
33 or agencies, subject to federal law, to verify or determine the
34 eligibility or entitlement of an applicant for, or a recipient of, public
35 social services provided pursuant to Division 9 (commencing with
36 Section 10000) of the Welfare and Institutions Code, or Part A of
37 Title IV of the Social Security Act, where the verification or
38 determination is directly connected with, and limited to, the
39 administration of public social services.

1 (g) To enable county administrators of general relief or
2 assistance, or their representatives, to determine entitlement to
3 locally provided general relief or assistance, where the
4 determination is directly connected with, and limited to, the
5 administration of general relief or assistance.

6 (h) To enable state or local governmental departments or
7 agencies to seek criminal, civil, or administrative remedies in
8 connection with the unlawful application for, or receipt of, relief
9 provided under Division 9 (commencing with Section 10000) of
10 the Welfare and Institutions Code or to enable the collection of
11 expenditures for medical assistance services pursuant to Part 5
12 (commencing with Section 17000) of Division 9 of the Welfare
13 and Institutions Code.

14 (i) To provide any law enforcement agency with the name,
15 address, telephone number, birth date, social security number,
16 physical description, and names and addresses of present and past
17 employers, of any victim, suspect, missing person, potential
18 witness, or person for whom a felony arrest warrant has been
19 issued, when a request for this information is made by any
20 investigator or peace officer as defined by Sections 830.1 and
21 830.2 of the Penal Code, or by any federal law enforcement officer
22 to whom the Attorney General has delegated authority to enforce
23 federal search warrants, as defined under Sections 60.2 and 60.3
24 of Title 28 of the Code of Federal Regulations, as amended, and
25 when the requesting officer has been designated by the head of
26 the law enforcement agency and requests this information in the
27 course of and as a part of an investigation into the commission of
28 a crime when there is a reasonable suspicion that the crime is a
29 felony and that the information would lead to relevant evidence.
30 The information provided pursuant to this subdivision shall be
31 provided to the extent permitted by federal law and regulations,
32 and to the extent the information is available and accessible within
33 the constraints and configurations of existing department records.
34 Any person who receives any information under this subdivision
35 shall make a written report of the information to the law
36 enforcement agency that employs him or her, for filing under the
37 normal procedures of that agency.

38 (1) This subdivision shall not be construed to authorize the
39 release to any law enforcement agency of a general list identifying
40 individuals applying for or receiving benefits.

1 (2) The department shall maintain records pursuant to this
2 subdivision only for periods required under regulations or statutes
3 enacted for the administration of its programs.

4 (3) This subdivision shall not be construed as limiting the
5 information provided to law enforcement agencies to that pertaining
6 only to applicants for, or recipients of, benefits.

7 (4) The department shall notify all applicants for benefits that
8 release of confidential information from their records will not be
9 protected should there be a felony arrest warrant issued against
10 the applicant or in the event of an investigation by a law
11 enforcement agency into the commission of a felony.

12 (j) To provide public employee retirement systems in California
13 with information relating to the earnings of any person who has
14 applied for or is receiving a disability income, disability allowance,
15 or disability retirement allowance, from a public employee
16 retirement system. The earnings information shall be released only
17 upon written request from the governing board specifying that the
18 person has applied for or is receiving a disability allowance or
19 disability retirement allowance from its retirement system. The
20 request may be made by the chief executive officer of the system
21 or by an employee of the system so authorized and identified by
22 name and title by the chief executive officer in writing.

23 (k) To enable the Division of Labor Standards Enforcement in
24 the Department of Industrial Relations to seek criminal, civil, or
25 administrative remedies in connection with the failure to pay, or
26 the unlawful payment of, wages pursuant to Chapter 1
27 (commencing with Section 200) of Part 1 of Division 2 of, and
28 Chapter 1 (commencing with Section 1720) of Part 7 of Division
29 2 of, the Labor Code.

30 (l) To enable federal, state, or local governmental departments
31 or agencies to administer child support enforcement programs
32 under Title IV of the federal Social Security Act (42 U.S.C. Sec.
33 651 et seq.).

34 (m) To provide federal, state, or local governmental departments
35 or agencies with wage and claim information in its possession that
36 will assist those departments and agencies in the administration
37 of the Victims of Crime Program or in the location of victims of
38 crime who, by state mandate or court order, are entitled to
39 restitution that has been or can be recovered.

(n) To provide federal, state, or local governmental departments or agencies with information concerning any individuals who are or have been:

(1) Directed by state mandate or court order to pay restitution, fines, penalties, assessments, or fees as a result of a violation of law.

(2) Delinquent or in default on guaranteed student loans or who owe repayment of funds received through other financial assistance programs administered by those agencies. The information released by the director for the purposes of this paragraph shall not include unemployment insurance benefit information.

(o) To provide an authorized governmental agency with any or all relevant information that relates to any specific workers' compensation insurance fraud investigation. The information shall be provided to the extent permitted by federal law and regulations. For the purposes of this subdivision, "authorized governmental agency" means the district attorney of any county, the office of the Attorney General, the Contractors' State License Board, the Department of Industrial Relations, and the Department of Insurance. An authorized governmental agency may disclose this information to the State Bar, the Medical Board of California, or any other licensing board or department whose licensee is the subject of a workers' compensation insurance fraud investigation. This subdivision shall not prevent any authorized governmental agency from reporting to any board or department the suspected misconduct of any licensee of that body.

(p) To enable the Director of the Bureau for Private Postsecondary Education, or his or her representatives, to access unemployment insurance quarterly wage data on a case-by-case basis to verify information on school administrators, school staff, and students provided by those schools who are being investigated for possible violations of Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code.

(q) To provide employment tax information to the tax officials of Mexico, if a reciprocal agreement exists. For purposes of this subdivision, "reciprocal agreement" means a formal agreement to exchange information between national taxing officials of Mexico and taxing authorities of the State Board of Equalization, the Franchise Tax Board, and the Employment Development Department. Furthermore, the reciprocal agreement shall be limited

1 to the exchange of information that is essential for tax
2 administration purposes only. Taxing authorities of the State of
3 California shall be granted tax information only on California
4 residents. Taxing authorities of Mexico shall be granted tax
5 information only on Mexican nationals.

6 (r) To enable city and county planning agencies to develop
7 economic forecasts for planning purposes. The information shall
8 be limited to businesses within the jurisdiction of the city or county
9 whose planning agency is requesting the information, and shall
10 not include information regarding individual employees.

11 (s) To provide the State Department of Developmental Services
12 with wage and employer information that will assist in the
13 collection of moneys owed by the recipient, parent, or any other
14 legally liable individual for services and supports provided pursuant
15 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,
16 and Chapter 2 (commencing with Section 7200) and Chapter 3
17 (commencing with Section 7500) of Division 7 of, the Welfare
18 and Institutions Code.

19 (t) To provide the State Board of Equalization with employment
20 tax information that will assist in the administration of tax
21 programs. The information shall be limited to the exchange of
22 employment tax information essential for tax administration
23 purposes to the extent permitted by federal law and regulations.

24 (u) Nothing in this section shall be construed to authorize or
25 permit the use of information obtained in the administration of this
26 code by any private collection agency.

27 (v) The disclosure of the name and address of an individual or
28 business entity that was issued an assessment that included
29 penalties under Section 1128 or 1128.1 shall not be in violation
30 of Section 1094 if the assessment is final. The disclosure may also
31 include any of the following:

32 (1) The total amount of the assessment.

33 (2) The amount of the penalty imposed under Section 1128 or
34 1128.1 that is included in the assessment.

35 (3) The facts that resulted in the charging of the penalty under
36 Section 1128 or 1128.1.

37 (w) To enable the Contractors' State License Board to verify
38 the employment history of an individual applying for licensure
39 pursuant to Section 7068 of the Business and Professions Code.

1 (x) To provide any peace officer with the Division of
2 Investigation in the Department of Consumer Affairs information
3 pursuant to subdivision (i) when the requesting peace officer has
4 been designated by the Chief of the Division of Investigation and
5 requests this information in the course of and as part of an
6 investigation into the commission of a crime or other unlawful act
7 when there is reasonable suspicion to believe that the crime or act
8 may be connected to the information requested and would lead to
9 relevant information regarding the crime or unlawful act.

10 (y) To enable the Labor Commissioner of the Division of Labor
11 Standards Enforcement in the Department of Industrial Relations
12 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
13 uninsured employers. The information shall be provided to the
14 extent permitted by federal law and regulations.

15 (z) To enable the Chancellor of the California Community
16 Colleges, in accordance with the requirements of Section 84754.5
17 of the Education Code, to obtain quarterly wage data, commencing
18 January 1, 1993, on students who have attended one or more
19 community colleges, to assess the impact of education on the
20 employment and earnings of students, to conduct the annual
21 evaluation of district-level and individual college performance in
22 achieving priority educational outcomes, and to submit the required
23 reports to the Legislature and the Governor. The information shall
24 be provided to the extent permitted by federal statutes and
25 regulations.

26 (aa) To enable the Public Employees' Retirement System to
27 seek criminal, civil, or administrative remedies in connection with
28 the unlawful application for, or receipt of, benefits provided under
29 Part 3 (commencing with Section 20000) of Division 5 of Title 2
30 of the Government Code.

31 (ab) To enable the State Department of Education, the University
32 of California, the California State University, and the Chancellor
33 of the California Community Colleges, pursuant to the
34 requirements prescribed by the federal American Recovery and
35 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly
36 wage data, commencing July 1, 2010, on students who have
37 attended their respective systems to assess the impact of education
38 on the employment and earnings of those students, to conduct the
39 annual analysis of district-level and individual district or
40 postsecondary education system performance in achieving priority

1 educational outcomes, and to submit the required reports to the
2 Legislature and the Governor. The information shall be provided
3 to the extent permitted by federal statutes and regulations.

4 (ac) To provide the Agricultural Labor Relations Board with
5 employee, wage, and employer information, for use in the
6 investigation or enforcement of the
7 Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations
8 Act of 1975 (Part 3.5 (commencing with Section 1140) of Division
9 2 of the Labor Code). The information shall be provided to the
10 extent permitted by federal statutes and regulations.

11 (ad) (1) To enable the State Department of Health Care
12 Services, the California Health Benefit Exchange, the Managed
13 Risk Medical Insurance Board, and county departments and
14 agencies to obtain information regarding employee wages,
15 California employer names and account numbers, employer reports
16 of wages and number of employees, and disability insurance and
17 unemployment insurance claim information, for the purpose of:

18 (A) Verifying or determining the eligibility of an applicant for,
19 or a recipient of, state health subsidy programs, limited to the
20 Medi-Cal Program, provided pursuant to Chapter 7 (commencing
21 with Section 14000) of Part 3 of Division 9 of the Welfare and
22 Institutions Code; the Healthy Families Program, provided pursuant
23 to Part 6.2 (commencing with Section 12693) of Division 2 of the
24 Insurance Code; and the Access for Infants and Mothers Program,
25 provided pursuant to Part 6.3 (commencing with Section 12695)
26 of Division 2 of the Insurance Code; where the verification or
27 determination is directly connected with, and limited to, the
28 administration of the state health subsidy programs referenced in
29 this subparagraph.

30 (B) Verifying or determining the eligibility of an applicant for,
31 or a recipient of, federal subsidies offered through the California
32 Health Benefit Exchange, provided pursuant to Title 22
33 (commencing with Section 100500) of the Government Code,
34 including federal tax credits and cost-sharing assistance pursuant
35 to the federal Patient Protection and Affordable Care Act (Public
36 Law 111-148), as amended by the federal Health Care and
37 Education Reconciliation Act of 2010 (Public Law 111-152), where
38 the verification or determination is directly connected with, and
39 limited to, the administration of the California Health Benefit
40 Exchange.

1 (C) Verifying or determining the eligibility of employees and
2 employers for health coverage through the Small Business Health
3 Options Program, provided pursuant to Section 100502 of the
4 Government Code, where the verification or determination is
5 directly connected with, and limited to, the administration of the
6 Small Business Health Options Program.

7 (2) The information provided under this subdivision shall be
8 subject to the requirements of, and provided to the extent permitted
9 by, federal law and regulations, including Part 603 of Title 20 of
10 the Code of Federal Regulations.

11 (ae) To provide any peace officer with the Investigations
12 Division of the Department of Motor Vehicles with information
13 pursuant to subdivision (i), when the requesting peace officer has
14 been designated by the Chief of the Investigations Division and
15 requests this information in the course of, and as part of, an
16 investigation into identity theft, counterfeiting, document fraud,
17 or consumer fraud, and there is reasonable suspicion that the crime
18 is a felony and that the information would lead to relevant evidence
19 regarding the identity theft, counterfeiting, document fraud, or
20 consumer fraud. The information provided pursuant to this
21 subdivision shall be provided to the extent permitted by federal
22 law and regulations, and to the extent the information is available
23 and accessible within the constraints and configurations of existing
24 department records. Any person who receives any information
25 under this subdivision shall make a written report of the
26 information to the Investigations Division of the Department of
27 Motor Vehicles, for filing under the normal procedures of that
28 division.

29 (af) *To provide, to the extent permitted by federal law and*
30 *regulations, the Student Aid Commission with wage information*
31 *in order to verify the employment status of an individual applying*
32 *for a Cal Grant C award pursuant to subdivision (c) of Section*
33 *69439 of the Education Code.*